

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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CRUZ M. ELLIS,

Civil No. 06-4573 (JRT/FLN)

Plaintiff,

v.

**ORDER**

FLEMING COMPANIES INC.,

Defendants.

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Michael M. Bader, **KAMPMAYER KRONSCHNABEL BADER & DALY**, 386 North Wabasha Street, Suite 1500, St. Paul, Minnesota 55102, for plaintiff.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 3, 2007, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that this case is dismissed for lack of prosecution.

DATED: May 29, 2007  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge